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Counsel for Plaintiff

**Admitted Pro Hac Vice*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

WYOMING RESCUE MISSION,

Plaintiff,

v.

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, ET AL.,**

Defendants.

Civil Case No.: 1:22-cv-00206

**PLAINTIFF'S NOTICE OF
WITHDRAWAL OF MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiff Wyoming Rescue Mission hereby withdraws its pending Motion for Preliminary Injunction (ECF No. 17) and Memorandum in Support of Motion for Preliminary Injunction (ECF No. 18), without prejudice. This withdrawal is to help facilitate ongoing, good faith negotiations between the parties to resolve the dispute between them without further court involvement.

The Mission sued Defendants on September 20, 2002. *See* ECF No. 1. Counsel for Defendant Robin Sessions Cooley filed notices of appearance on October 3, 2022.

See ECF Nos. 10, 11. The Mission filed its Motion for Preliminary Injunction and accompanying Memorandum in Support on October 11, 2022. See ECF Nos. 17, 18. Counsel for Defendants Equal Employment Opportunity Commission (EEOC) and EEOC Chair Charlotte Burrows filed a notice of appearance on October 13, 2022. See ECF No. 20.

Three days after the Mission filed its Motion for Preliminary Injunction, the EEOC issued a “Final Decision After Reconsideration” in the underlying dual charge of discrimination administrative proceeding. See EEOC Final Decision After Reconsideration, attached as **Exhibit 1**. The Final Decision After Reconsideration stated that the EEOC “reconsidered the April 12, 2022, determination finding reasonable cause . . . and have concluded that finding was made in error.” Ex. 1 at 1. It further concluded that the Mission “qualifies as a religious organization within the meaning of Section 702(a) of Title VII” and therefore the Mission is “permitted to prefer to employ individuals of a particular religion.” *Id.*

All parties have since conferred and agreed that there is a high likelihood that the parties will be able to resolve this case without the need for further briefing. As such, the Mission withdraws its currently pending Motion for Preliminary Injunction, and asks the Court to vacate the hearing set for November 10, 2022 at 1:15pm. Defendants have indicated they do not oppose this withdrawal.

In withdrawing the Motion for Preliminary Injunction, the Mission does not concede or waive any legal arguments. Rather, the Mission withdraws the Motion for Preliminary Injunction based on Defendants’ representations and the understanding that all parties will continue in good faith negotiations to resolve the entire case and that such a resolution would resolve any issues that prompted the filing of the Motion for Preliminary Injunction. The Mission thus reserves the right to re-file its Motion for Preliminary Injunction if the parties cannot reach an agreement.

Respectfully submitted this 20th day of October, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on October 20th, 2022, I electronically filed the foregoing using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Jacob E. Reed
Jacob E. Reed

Counsel for Plaintiff